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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,512	10/29/2003	Sarel Aiber	IL920030036US1	6363

7590 11/13/2008
Stephen C. Kaufman
Intellectual Property Law Dept.
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Yorktown Heights, NY 10598

EXAMINER

BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
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3623

MAIL DATE	DELIVERY MODE
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11/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1. Newly submitted claims 39-50 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Independent claim 39 recites a method including configuring hardware and software resources within an information technology (IT) infrastructure in a specified IT configuration; defining a business metric corresponding to a business objective that is to be met by the IT infrastructure; establishing a business model comprising: a system model, which models the IT configuration of the IT infrastructure; a user behavior model, which models behavior of users of the IT infrastructure; and a business level model, which determines, responsively to the system model and the user behavior model, an impact on the business metric of events occurring in the IT infrastructure; generating situations for input to the business model, each situation comprising one or more events relating to the IT infrastructure, together with one or more conditions attached to the events; processing the situations using the business model in order to identify a change in the IT configuration that will enhance the business metric; and reconfiguring the resources in the IT infrastructure so as to implement the change.

Whereas, original claims 1-16 include (a) obtaining as input business objectives; and (b) optimizing the IT business infrastructure and/or business level components associated with the IT business infrastructure according to said business objectives.

As such, claims 1-16 are not concerned with, inter alia, configuring hardware and software resources within an information technology (IT) infrastructure in a specified

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IT configuration; defining a business metric corresponding to a business objective that is to be met by the IT infrastructure; establishing a business model, generating situations for input to the business model, each situation comprising one or more events relating to the IT infrastructure, together with one or more conditions attached to the events; processing the situations using the business model in order to identify a change in the IT configuration that will enhance the business metric; and reconfiguring the resources in the IT infrastructure so as to implement the change.

2. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 39-50 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

3. The amendment filed on July 29, 2008 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03).

Conclusion

4. Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the

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omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571)272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andre Boyce/
Primary Examiner, Art Unit 3623
November 6, 2008